

105.1159

RE COMINSKY CASE AND ALBERT WEHDE

Finger P.

AN OPEN LETTER

621 Plymouth Court,
Chicago, Illinois,
February 23, 1926.

Hon. Chester I. Long,
President,
American Bar Association,
Wichita, Kansas.

Dear Sir:

Qualified by four years' study and experiment in the field of finger print identification, I was recently summoned by a defense attorney to give testimony in a criminal trial in which the state had introduced a finger impression as evidence. John Cominsky was being tried for a second time at Morrison, Illinois, for the killing of Mrs. Marie McKee, a telephone operator. This second trial was held early in February before Circuit Judge C. J. Searle. The defendant was acquitted.

Being a layman in acquaintance with court procedure and believing in the principle that the chief reason for the existence of a court is that justice may be done, I was struck by the prosecutor's manifest unwillingness to permit justice to prevail. My testimony flatly contradicted that of the prosecution experts in a matter easily demonstrable to judge and jury. It seemed to me that the State should have made an effort to determine which of us was right. It made no such effort and denied me opportunity to demonstrate the truth of my assertion, which in the Cominsky case would have been exceedingly simple.

I left the witness stand firmly convinced of the prosecution's realization of its own lack of honesty, and of its eagerness to send a man to the gallows merely to gratify a sinister ambition to win its case. A grave charge, indeed, which I am ready to substantiate by a recital of the facts.

J.J. Ludens of Sterling, Illinois, counsel for the defense, who engaged my services, had informed me that I could not have opportunity to examine in advance the finger-print found on the murder-scene, nor a photograph of it, both of these being in the State's keeping and unavailable to the defense. A proper preparation for the defense, a checking of the prosecution experts' findings, therefore was impossible.

A finger-print accidentally left on some object which one has taken in hand or touched is rarely if ever comparable -- in point of visibility -- with a carefully taken inked impression. A latent accidental impression must be "developed", which is usually done by dusting a finely ground powder over it, contrasting in color with the object upon which the imprint was found. This object is never clean, and more or less of the powder will adhere to it, thus dimming or blurring any sharp contrast which otherwise might show between the lines of the finger-print and the surface which holds it.